**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI**
**and**
**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No. 18392 of 1997**

**O R D E R**: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 26.6.2007 passed by the A.P. Administrative Tribunal in O.A. No. 7017 of 2006.

Heard the learned Government Pleader for Services-II and perused the material available on record.

The case of the petitioners is that during the period the respondent worked as Motor Vehicle Inspector, he failed to serve Forms-I and II under Revenue Recovery Act on the registered owner to collect the amount of tax, which was evaded by the latter, in spite of several reminders and due to the negligence of the respondent an amount of Rs.1,35,000/- which was collectable could not be collected and therefore he was held responsible for the said lapse, but the Tribunal did not consider the said aspect and erroneously passed the impugned order. But, a perusal of the material available on record discloses that no enquiry has been conducted before passing the impugned order of recovery dated 8.1.2003, more particularly, when the respondent totally denied the allegation leveled against him. Therefore, the Tribunal rightly relied on a decision of this Court in Food Corporation of India, Hyderabad and others v. A. Prahlada Rao (1998(2) ALD 18) wherein it is held that where the employee disputes that any loss is caused to the Corporation either by his negligence or breach of order, an enquiry should be conducted.

Though it is stated in the affidavit filed in support of the writ petition that a charge memo was served on the respondent and he submitted explanation, it is silent with regard to any enquiry conducted as observed supra. Therefore, we are of the considered view that there is no error or infirmity in the order passed by the Tribunal warranting interference of this Court.

There is no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 30-08-2007.

MVB.